

ZONING BOARD OF APPEALS
MEETING MINUTES
MAY 10, 2011
4:00 P.M.

CALL TO ORDER: Mr. John Stetler, Chairperson called meeting to order at 4:00 P.M.

ATTENDANCE:

Members Present: Rick Barnes Carlyle Sims
 Deland Davis Becky Squires
 Greg Dunn John Stetler
 James Moreno

Members Excused: Mike Fatt

Staff Present: Jill Steele, Deputy City Attorney
 Glenn Perian, Senior Planner
 Leona Parrish, Admin. Assistant, Planning Dept.

ADDITIONS OR DELETIONS TO THE AGENDA: Removed from Agenda Petition # Z-02-11: Correspondence was received from Adams Outdoor Advertising, Mr. Bill Jackson, requesting to have their petition postponed until a later date.

OLD BUSINESS: (Following Petition Postponed per Request of Petitioner)

A) **Appeal #Z-02-11: (Parcel #2550-00-013-0 Upton Avenue)** Petition from Adams Outdoor Advertising, Mr. William B. Jackson, Real Estate Manager, 407 Ransom, Kalamazoo, MI 49007. First request is an appeal of Planning Staff determination for replacement of billboard sign; and pending their decision, a request for a variance to allow for a billboard sign to be reconstructed. Parcel is zoned "C-3 Intensive Business District" and commonly known as vacant lot on Upton Avenue, Parcel #2550-00-013-0. The permit application is requested pursuant to Planning and Zoning Code, Chapter 1296.28(e) & 1296.39(f).

MOTION: MR. GREG DUNN MADE A MOTION TO POSTPONE APPEAL #Z-02-11 UNTIL THE NEXT ZONING BOARD MEETING PER THE REQUEST OF THE PETITIONER; SUPPORTED BY MS. BECKY SQUIRES.

MR. JOHN STETLER ASKED FOR ANY ADDITIONAL COMMENTS, SEEING NONE A VOTE WAS TAKEN; ALL IN FAVOR; NONE OPPOSED, MOTION APPROVED.

Mr. John Stetler, Chairperson stated the meeting procedure and that everyone present may speak either for or against an appeal. He stated he will ask for a staff report to be read and then open the public hearing. At the public hearing persons may come forward and state their name and address for the record as it is being recorded and then speak either for or against an appeal. The public

hearing will then be closed and the zoning board will discuss and make a decision. Mr. John Stetler stated if denied they may appeal to the Circuit Court.

NEW BUSINESS:

A. **Appeal #Z-04-11:** Petition from The Design Forum Inc., Mr. Neale Bauman, 15 Ionia SW, Ste. 250, Grand Rapids, MI 49503, on behalf of Archdiocese of Kalamazoo. Requesting to waive required 30 ft. front-yard setback to allow construction of proposed Grotto to be built 15 ft. 8 in. from front-yard property line. Parcel is zoned "O-1 Office District" and commonly known as 112 Capital Avenue, N.E., Parcel #3880-00-056-0. The permit application is requested pursuant to Planning and Zoning Code, Chapter 1278.01.

Mr. Glenn Perian, Senior Planner outlined the report stating this is a petition from The Design Forum, on behalf of the Archdiocese of Kalamazoo seeking a dimensional variance to construct a grotto 15' 8" from a front property line on the open yard immediately west of the St. Phil Parish Office Building located at 112 Capital Ave NE. The property is located in the "O-1 Office Zoning District" where a 30 ft. front-yard setback is required. The subject lot meets the minimum standards for the O-1 zone and the grotto is part of the many construction projects occurring at Saint Phillip Catholic Church. Mr. Perian noted they find this structure quite unique on its own and do not anticipate requests like this coming up in the general area or neighborhood, said there had been some discussion between the City Attorney's office and Planning Department regarding if this qualified as a building or structure; after further review it was determined that it was considered a building and/or structure and needed to meet the setback requirements. Staff is recommending approval of appeal #Z-04-11 based on the following findings and those listed in the staff report:

- 1) Granting the variance in spite of the fact that the grotto will not meet setback requirements for the "O-1" zone will not affect adjoining property or the general welfare of the public.
 - 2) Staff believes that if the variance is granted, the property will still be in harmony with the general purpose and intent of the "O-1" zoning district.
 - 3) Staff finds that the practical difficulties are exceptional and peculiar to the subject property.
 - 4) Staff does not believe the term practical difficulty is deemed financial hardship in this case.
- Based on these findings and those articulated in the staff report, we are recommending approval of appeal #Z-04-11.

Mr. Neale Bauman, President, The Design Forum Architects, 15 Ionia S.W., Ste 250, Grand Rapids, MI 49503, was present on behalf of Archdiocese of Kalamazoo. Stated he had been working with St. Phillip parish for about eight-years and the project started out to be a simple expansion of the high school and has turned into much more. Said they are finally expanding the high school and noted the grotto was originally located immediately to the west of the old high school building, tucked behind the garage and between the old rectory in the high school; as a part of the expansion the projects new dining center and kitchen had to go where the old grotto was and they had to dismantle it and build a new rectory to make way for the new addition. Noted they have been working for four-years and have had five or six different concepts of where to place the grotto. Stated ideally it needs to be where it can make a statement not only to the parish but also to the community because it is a very central part of their faith and how it is presented to the community.

Mr. Bauman stated they originally wanted it to be on the other side of the vacated Cherry Street, and noted that the many utilities on Cherry Street were too numerous and would be costly to relocate those to make way for the foundation; said this really offers the nicest place visually and is a prominent

location that gives a place to make the statement they are looking for and fits very nicely with what they are trying to do to incorporate it into the downtown landscape.

Mr. James Moreno asked if in the original site plan included in their meeting package; was the grotto planed within this site plan or was it an idea that had came afterwards. Mr. Bauman stated no, it was in the original plan and was going to be placed between the new dining center addition and church; there was a courtyard area and had an 20 x 30 slab in the original bidding, but had been moved several times because of issues such as the utilities, storm-lines, electrical lines, that ran underneath the area.

Mr. Moreno asked if the original plans had not been scoped out as part of that addition. Mr. Bauman stated yes, but was found after they began digging they discovered the ground lines and field conditions made it difficult to put the grotto where they had hoped. Stated the actual grotto design is not a part of their contract; all they were providing was the slab and that the parish has a volunteer mason who will be doing the construction work and physical design.

Mr. John Stetler asked if there were any others here to speak for or against this variance, seeing none he called this public hearing to a close and would entertain a motion.

MOTION: MR. DELAND DAVIS MADE A MOTION TO APPROVE APPEAL #Z-04-11 FOR A VARIANCE TO ALLOW CONSTRUCTION OF PROPOSED GROTTO TO BE BUILT 15 FT. 8 IN. FROM FRONT-YARD PROPERTY LINE BASED ON THE FINDINGS AND RECOMMENDATIONS STATED IN THE STAFF REPORT AND ALSO VERBAL STATEMENTS MADE BY STAFF; SUPPORTED BY MR. CARLYLE SIMS.

Discussion:

Mr. Greg Dunn stated he concurs with the staff report on this appeal and recognize the importance of the community and parish on the work that has been done for upgrading and reconditioning the campus of both St. Phil and area around the church and thinks it is very important to our community as well as the downtown area. States in particular he recognized the importance of the grotto project to both the members of the parish and community; for those reasons he will be voting in favor of this appeal.

Ms. Jill Steele, Deputy City Attorney, noted that the motion needed to include: that it is based on the findings and recommendations stated in the staff report, also verbally by staff. Mr. Davis stated yes, he is in agreement and that is what he would like to include in his motion.

MR. JOHN STETLER ASKED FOR ANY ADDITIONAL COMMENTS, SEEING NONE A VOTE WAS TAKEN; ALL IN FAVOR; NONE OPPOSED, MOTION APPROVED.

APPROVAL OF MINUTES:

MOTION: WAS MADE BY MR. GREG DUNN TO APPROVE THE APRIL 12, 2011 ZONING BOARD OF APPEALS MINUTES AS PRESENTED; SUPPORTED BY MR. CARLYLE SIMS ALL IN FAVOR; NONE OPPOSED, MOTION CARRIED – MINUTES APPROVED.

COMMENTS BY THE PUBLIC: None

COMMENTS BY THE MEMBERS / STAFF: None

ADJOURNMENT: Mr. John Stetler made a motion for the meeting to be adjourned; all stated in favor, meeting was adjourned at 4:14 P.M.

Submitted by: Leona A. Parrish
Administrative Assistant, Planning Department